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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,115	04/11/2005	Johann Anderl	VO-715	4526

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EXAMINER

CHOI, STEPHEN

ART UNIT	PAPER NUMBER
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3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/531,115

Applicant(s)

ANDERL, JOHANN

Examiner

Stephen Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 12-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/23/05
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I in the reply filed on November 22, 2006 is acknowledged. The traversal is on the ground(s) that the Office Action has not made a formal prior art rejection to which Applicant can reply and also does not provide the reasons why the Groups are considered independent if Claim 1 isn't patentable. This is not found persuasive because the common matter of the independent claim 1 is well known as evidenced by ISR and as set forth below; thus, the remaining subject matter of each claim differs from that of the others without there being any unifying novel inventive concept common to all.

The requirement is still deemed proper and is therefore made FINAL.

Specification

2. The disclosure is objected to because of the following informalities: The usual heading "Background of the Invention", "Summary of the Invention", etc. should be utilized. Appropriate correction is required.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: '9.11' and '9.12'. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet

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should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the angle compensation element having one of the ball element and a ball section element, one of a further ball element and a further ball section element, and one of roller, a ball and a sliding bearing with a plurality of one of rolling, ball and sliding bodies set forth in claim 2, one of revolving rollers and ball units set forth in claim 3, and sealing elements set forth in claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 4 and 8 are objected to because of the following informalities: In claim 4, is "one of a revolving roller and a balls unit" referring back to "one of a revolving rollers and ball units" set forth in claim 3? In claim 8, "the table top" lacks positive antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 2-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support in the specification for the angle compensation element having one of the ball element and a ball section element, one of a further ball element and a further ball section element, and one of roller, a ball

and a sliding bearing with a plurality of one of rolling, ball and sliding bodies set forth in claim 2. Figure 3A shows a compensating device including one of the ball element and a ball section element and one of a further ball element and a further ball section element. Figure 3B shows a compensating device including one of the ball element and a ball section element and one of roller, a ball and a sliding bearing with a plurality of one of rolling, ball and sliding bodies.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, it is not clear what structure is set forth by "the angle compensation element (9.4) is one of the ball element and a ball section element...".

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-2, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Fusser et al. (US 4,442,694).

Fusser discloses all the recited elements of the invention including a carriage (e.g. 6, 105) coupled to carriage connectors (e.g., 9, 112) via at least one compensating

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device having at least one angle compensation element and at least one lateral compensation element (e.g., 16-18, 118, 125, 126). Regarding claim 2, the angle compensation elements being one of a ball element and a ball section element (e.g., 16, 125) in a ball socket (e.g., Fig. 1, 124) of an intermediate piece (e.g., 9, 112) and one of the intermediate piece having a further ball socket (e.g., at 18, at 125) on a side facing away from the ball socket in which one of a further ball element and a further ball section element (e.g., 18, 125).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3-11, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fusser in view of JP 62267100 (hereafter '100).

Fusser discloses the invention substantially as claimed except for one of revolving rollers and ball units. '100 teaches the use of ball units on guide parts. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ ball units as taught by '100 on the device of Fusser in order to facilitate exact guidance and low wear. Regarding claim 5, the modified device of Fusser fails to disclose strippers and sealing elements. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ strippers and sealing elements of the modified device of Fusser since the

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examiner takes Official Notice on the use of strippers and sealing elements as old and well known in the art for the purpose of removing debris from moving parts. Steinmetz shows one example of such a device. Regarding claims 8-9, the modified device of Fusser fails to disclose a table wherein the guide rails extending from below to above the table and a gate above the table top wherein an upper carriage is arranged above the table and a lower carriage is arranged below the table top. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide such an arrangement on the modified device of Fusser since the examiner takes Official Notice on the use of such an arrangement as old and well known in the art for the purpose of guiding and operating a press. John shows an example of such an arrangement. Regarding claim 10, the modified device of Fusser fails to disclose a passage and an ejector. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a passage and an ejector on the modified device of Fusser since the examiner takes Official Notice on the use of passage and ejector as old and well known in the art for the purpose of setting an axial position of tools. WO 0209898 shows an example of such a device. Regarding claim 11, the modified device of Fusser fails to disclose a measuring pickup of a measuring system. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a measuring system on the modified device of Fusser since the examiner takes Official Notice on the use of measuring system as old and well known in the art for the purpose of adjusting moving parts. JP 08259245 and Bourne show examples of such a device.

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chelborg, Bryce, Poggio, Steinmetz, Krumholz, Bourne, and Geyer are cited to show related devices.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Thursday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SC
3 January 2007


STEPHEN CHOI
PRIMARY EXAMINER